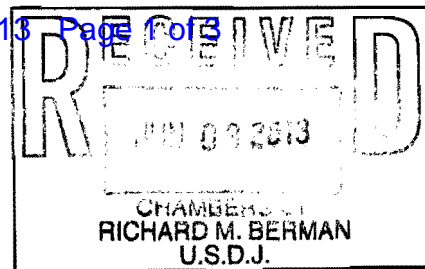


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JOSEPH P. GUGLIELMO

Writer's Direct Dial Number  
(212) 223-4478

Writer's Direct E-Mail Address  
jguglielmo@scott-scott.com

Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 12D  
New York, NY 10007

Re: *Davison, et al. v. Ventrus Biosciences, Inc., et al.*  
13-cv-3119-(RMB)

SO ORDERED:

Date:

6/3/13

*Richard M. Berman*  
Richard M. Berman, U.S.D.J.

**VIA HAND DELIVERY**

June 3, 2013

*Docket + file*

Dear Judge Berman:

On behalf of Plaintiffs in the above-referenced action and my firm, Scott+Scott, LLP, I write to apologize to the Court and the parties for failing to appear at today's previously-scheduled conference. As I explained to the Court this morning, I was unaware that the Court had sent a facsimile scheduling the conference and advising me to notify the other parties to appear.

Since receiving the Court's call this morning, we have searched our facsimile records and have identified in a transmission report that a fax was received on May 13, 2013 from 212-805-6717. However, despite having a transmission record of receiving a fax, we have been unable to locate the actual facsimile.

My firm has a policy of promptly disseminating faxes upon receipt, as well as electronically storing a copy of the facsimile to a litigation database. We have interviewed the firm's staff who are responsible for receiving and distributing all faxes and they have confirmed that they do not recall receiving or distributing the Court's fax. Additionally, we have confirmed that no copy of the Court's fax was electronically stored to the litigation database. As a result of the Court's call today, my firm is reviewing its processes for receiving and distributing facsimiles to determine if we can implement additional safeguards to prevent this from happening in the future.

ATTORNEYS AT LAW

NEW YORK

CONNECTICUT

OHIO

CALIFORNIA

SCOTT + SCOTT LLP

THE CHRYSLER BUILDING

405 LEXINGTON AVENUE, 40TH FLOOR

NEW YORK, NY 10174

212 223-6444 VOICE

212 223-6334 FAX

SCOTTLAW@SCOTT-SCOTT.COM

WWW.SCOTT-SCOTT.COM

Honorable Richard M. Berman  
United States District Court  
June 3, 2013  
Page 2

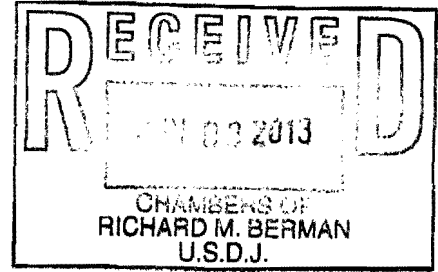
Once again, I sincerely apologize to the Court and the parties. Although I cannot provide the Court with definitive answer as to why I did not receive the fax, or why my firm has no record of the fax in its litigation database, I take full responsibility on behalf of my firm. I am also taking responsibility for overseeing the review of the facsimile process.

Respectfully,  
SCOTT+SCOTT,  
ATTORNEYS AT LAW, LLP

  
Joseph P. Guglielmo

Enclosures

cc: Scott Balber (via email)  
Jonathan Cross (via email)  
Sarah Wood (via email)  
Jeremy Lieberman (via email)  
Marc Ian Gross (via email)



JOSEPH P. GUGLIELMO

Writer's Direct Dial Number  
(212) 223-4479

Writer's Direct E-Mail Address  
jguglielmo@scott-scott.com

June 3, 2013

**VIA HAND DELIVERY**

Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 12D  
New York, NY 10007

Re: *Davison, et al. v. Ventrus Biosciences, Inc., et al.*  
13-cv-3119-(RMB)

*Bartley v. Ventrus Biosciences, Inc., et al.*  
13-cv-3429-(RMB)

Dear Judge Berman:

We appreciate the Court's courtesy in adjourning the status conference scheduled for tomorrow at 9:30 AM and write to confirm that all parties in the above-referenced actions are available for a status conference with the Court on Thursday, June 6, 2013 at 9:00 AM in Courtroom 12D.

Respectfully,  
SCOTT+SCOTT,  
ATTORNEYS AT LAW, LLP

A handwritten signature in black ink, appearing to read "Joe Guglielmo".

Joseph P. Guglielmo

Enclosures

cc: Scott Balber (via email)  
Jonathan Cross (via email)  
Sarah Wood (via email)  
Jeremy Lieberman (via email)  
Marc Ian Gross (via email)

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NEW YORK  
CONNECTICUT  
OHIO  
CALIFORNIA

SCOTT + SCOTT LLP  
THE CHRYSLER BUILDING  
405 LEXINGTON AVENUE, 40TH FLOOR  
NEW YORK, NY 10174

212 223-6444 VOICE  
212 223-6334 FAX  
SCOTTLAW@SCOTT-SCOTT.COM  
WWW.SCOTT-SCOTT.COM